

REMARKS

This application provides for, *inter alia*, a multipack which is comprised of bags, each containing different products, which are arranged in a predetermined sequence for removal and where the superimposed edge sections of the bags are offset to each other. The inventive multipacks provide for, for example, a simpler method to administer the drugs to a patient and bags that are easier to manufacture. More specifically, the advantages, *inter alia*, with the bags being arranged in offset are: first, that the block does not exhibit the “fan out effect”; second, the individual bags can be removed from the block without the risk of errors in the predetermined order; third, the bags can be removed with more comfort and ease than the bags not so arranged; and fourth, the risk of removing two or more bags is substantially reduced in a situation where the individual bags are aligned.

Pursuant to 37 CFR 1.136(a) Applicants petition the Director to extend the time period to file this document by one (1) month, i.e., up to and including September 20, 2003. A check of \$110.00 is enclosed to cover the cost of this extension. It is believed that no further fee is required for the consideration of this Response. However, if an additional fee should be required, the Director is authorized to charge the fee to Deposit Account 50-0320.

Claims 29 to 41 stand rejected under 35 USC §103(a) for allegedly being unpatentable over the teachings of Reffegau, French Patent No. 2 629 729, in view of Casper, U.S. 5,422,119. Applicants have argued that as neither Raffegau nor Casper suggests arranging the bags in the devices described therein so that superimposed edge sections of the two adjacent bags are offset with respect to each other, it is urged that the rejection does not establish a *prima facie* case of obviousness and the withdrawal of the rejection is requested.

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In the Amendment dated August 4, 2003, Applicants advanced the argument:

Contrary to the position taken in the rejection in the paragraph bridging pages 3 and 4, Raffegeau does not disclose a multipack wherein the individual bags offset with respect to each other. In Raffegeau, the bags are aligned or flushed with respect to each other ... This stands in contrast to the bags of the present invention, which are offset or non-aligned with respect to each other ... Hence, the product disclosed in Raffegeau differs from the multipack of the present invention not only in the fact that the bags are not arranged in a predetermined order, it does not suggest arranging the bags so that the superimposed edge sections are offset with respect to each other. Moreover, Raffegeau does not provide any motivation to arrange the individual bags in such a manner.

The Examiner was not persuaded by this argument, In the Advisory Action, the Examiner stated:

Applicants arguments with respect to the proposed amendment are not persuasive. The examiner directs the applicant's attention to the figures of the Raffegeau reference. It is the position of the examiner that the BOTTOM HALF of each of Figures 1-3 sufficiently shows a plurality of bags that are offset in parallel.

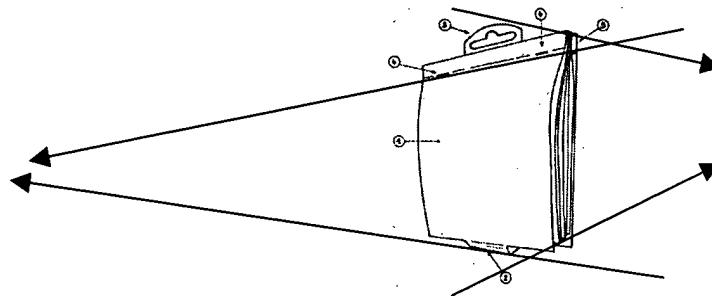
Advisory Action at 2. Applicants respectfully disagree that Raffegeau suggests a plurality of bags offset in parallel.

It should be noted that Raffegeau provides absolutely no description in the patent that the individual bags may be offset in parallel. Hence, the only argument that Raffegeau would suggest this feature, a point which Applicants do not concur, is in the drawings. From the comments in the Advisory Action, it appears that the Examiner concurs that Raffegeau does not provide written description for the feature as the comment refers Figures 1 to 3 to support the argument. For the following reason Applicants urge that the only way Figures 1 to 3 would suggest this feature is through impermissible hindsight since the figures would more likely than not suggest to one of ordinary skill in the art that the individual bags are not offset. Since, the

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individual bags appear this way merely because of the perspective used by the draftsman to illustrate the invention; i.e. to provide a three-dimensional structure.

Figures 1 to 3 are drawn perspectively; i.e. the lines that illustrate the top edge and the bottom edge of the front of the package meet at one point on the far left side of the page. One will find this point if the lines showing the top edge and the bottom edge of the package are elongated.



As a consequence of drawing the figure this way, the individual bags must be shown in a successive arrangement. The bottom ends of each individual bag in arrangement have to be shown in a slightly ascending line because the alignment need to meet another point on the right side of the page. The purpose behind this technique is to provide a three dimensional drawing of the object on a two dimensional surface. In other words, if the individual bags were not offset in the figure provided in Raffegau, then this product could not be depicted as a three dimensional object.

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Applicants urge without more in the description, one of ordinary skill in the art would draw the conclusion that the individual bags are not offset in parallel in Figures 1 to 3 since they were drawn in this manner to depict the object three-dimensionally. Thus, it is urged that the Examiner has relied upon impermissible hindsight and withdrawal of this rejection is requested.

Respectfully submitted,

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